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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/46/721 and Corr.1)]

46/134. Situation of human rights in Iraq

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 1/ and the International Covenants on Human Rights, 2/

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights;

Recalling Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq should cooperate with humanitarian organizations and ensure that the human and political rights of all Iraqi citizens are respected,

Recalling also the pertinent resolutions of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities, which expressed grave concern at the flagrant violations of human rights by the Government of Iraq,

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

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Recalling in particular Commission on Human Rights resolution 1991/74 of 6 March 1991, 3/ in which the Commission requested its Chairman to appoint a special rapporteur to make a thorough study of the violations of human rights by the Government of Iraq, based on all information the special rapporteur may deem relevant, including information provided by intergovernmental and non-governmental organizations and any comments and material provided by the Government of Iraq, and to submit an interim report thereon to the General Assembly at its forty-sixth session and a report to the Commission at its forty-eighth session,

Deeply concerned by the volume and extent of allegations of human rights violations by the Government of Iraq, such as arbitrary arrests and detentions, enforced or involuntary disappearances, torture, inhuman or degrading practices, extrajudicial killings, summary or arbitrary executions, hostage-taking and use of persons as "human shields", the lack of freedom of expression and the absence of an independent judiciary,

Noting the view of the Special Rapporteur that these allegations are each day increasing and necessitate considerable and detailed examination,

Deeply concerned by the fact that chemical weapons have been used on the Kurdish civilian population, by the forced displacement of hundreds of thousands of Kurds and the destruction of Kurdish towns and villages, as well as by the situation of tens of thousands of displaced Kurds living in camps in the north of Iraq and by the deportation of thousands of Kurdish families,

Also deeply concerned by the repressive measures taken by the Government of Iraq against the Shiah communities in the south of Iraq,

Concerned especially by the alleged use of excessive force by the Government of Iraq against Iraqi civilians, in particular the Kurds and the Shiites,

Noting with interest the message conveyed to the Special Rapporteur by the Government of Iraq of its intention fully to cooperate with him, with such cooperation including acceptance of a visit to Iraq to investigate the allegations of violations of human rights in that country,

Regretting, however, that the Government of Iraq has failed to answer a considerable number of specific questions asked by the Special Rapporteur on acts being committed by the Government of Iraq that are incompatible with international human rights instruments that are binding on that Government,

1. Takes note with appreciation of the interim report of the Special Rapporteur 4/ and the considerations and observations contained therein;

2. Expresses its deep concern about the numerous and detailed allegations of grave human rights violations by the Government of Iraq to which the Special Rapporteur has referred in his report, in particular:

3/ See Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

4/ A/46/647, annex.

(a) Arbitrary detention, including that of women, children and the elderly, as well as the systematic practice of torture and other cruel, inhuman or degrading practices, and of enforced or involuntary disappearances as a part of a general structured programme of repression aimed at quelling opposition;

(b) Extrajudicial killings, including political killings and summary or arbitrary executions throughout the country, particularly in the northern Kurdish autonomous region, in southern Shiah centres and in the southern marshes;

(c) Hostage-taking and the use of persons as "human shields", a most grave and blatant violation of Iraq's obligations under international law;

3. Calls upon the Government of Iraq to release all persons arrested and detained without ever being informed of charges against them, and without access to legal counsel or due process of law;

4. Also calls upon the Government of Iraq, as a State party to the International Covenant on Civil and Political Rights, 2/ to abide by its obligations under this Covenant and under other international instruments on human rights, and particularly to respect and ensure these rights for individuals irrespective of their origin within its territory and subject to its jurisdiction, including Kurds and Shiites;

5. Regrets the failure of the Government of Iraq to provide satisfactory replies to all the allegations of violations of human rights, and calls upon it to reply quickly in a comprehensive and detailed manner to these allegations so as to enable the Special Rapporteur to form an accurate assessment as a basis for his recommendations to the Commission on Human Rights;

6. Urges, therefore, the Government of Iraq to accord its full cooperation to the Special Rapporteur during his forthcoming visit to Iraq to investigate the allegations of violations of human rights;

7. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur to fulfil his mandate;

8. Decides to continue the examination of the situation of human rights in Iraq during its forty-seventh session under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

75th plenary meeting
17 December 1991